

REMARKS

Claims in Application. Claims 2, 10, 13, 14, 18-23 and 26 have now been cancelled from this application. Claims 27-41 have been added to this application. Accordingly, Claims 1, 5, 7-9, 11-12, 24-25 and 27-41 are active in this application. Reconsideration is respectfully requested.

Scope of Claims of Applicant. Applicants' claims are directed to novel polyurethane films (Claims 1, 5, 7-8 and 27-32) and a method of making the same (Claims 9, 11-12 and 33-35) and an aqueous polyurethane dispersion (Claims 24-25 and 36-41) useful for preparing the polyurethane film. The dispersions are made by first preparing the non-ionic prepolymer. In a subsequent step, an aqueous dispersion of the prepolymer is formed. The prepolymer is derived from a MDI diisocyanate wherein the P,P'-isomer content of the MDI is between from 99 to 90 percent. Films prepared from the dispersions exhibit markedly higher tensile strength. Note the reported tensile strength of the films reported in Table I (Examples 1, 2 and 4 in contrast to Example 3).

Examiner's Rejection of Claims Under 35 U.S.C. § 102(e). The Examiner has rejected Claims 1, 2, 5, 7, 9, 13, 14, 18 and 21-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,959,027 ("*Jakubowski*"). This rejection is traversed.

Jakubowski discloses a polyurethane/urea/thiourea latex prepared from an emulsion. The polyurethane is not prepared from an MDI diisocyanate having a P,P'-isomer content from 99 to 90 percent, now recited by each of the claims of Applicant. Reconsideration is therefore respectfully requested.

Examiner's Rejection of Claims Over WO 98/41552. The Examiner has further rejected Claims 1, 2, 5, 7, 9, 13, 14, and 18 under 35 U.S.C. § 102(a) as being anticipated by WO 98/41552. This rejection is also traversed. The polyurethane prepolymer formulation employed by Applicant is not disclosed in WO 98/41552, which, like *Jakubowski*, is also directed to a polyurethane/urea/thiourea latex. In particular, WO 98/41552 fails to disclose a polyurethane prepared from a formulation containing an MDI diisocyanate having a P,P'-isomer content from 99 to 90 percent. Reconsideration is therefore requested.

Examiner's Rejection of Claims Over WO 98/41554. The Examiner has rejected Claims 1, 2, 5, 7, 9, 13, 14, 18 and 21-26 under 35 U.S.C. § 102(a) as being anticipated by WO 98/41554. This rejection is also traversed. Like WO 98/41552, WO 98/41554 further fails to disclose a polyurethane prepared from a formulation containing an MDI diisocyanate having a P,P'-isomer content from 99 to 90 percent. Reconsideration is therefore requested.

Examiner's Rejection of Claims Under 35 U.S.C. § 103(a). The Examiner has rejected Claims 8, 11, 12, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over WO 98/41552 or WO 98/41554, each in view of U.S. Patent No. 6,389,602 ("*Alsaffar*"). Reconsideration is therefore requested.

Alsaffar fails to cure the deficiencies of either *Jakubowski*, WO 98/41552 or 98/41554. *Alsaffar* is directed to condoms and gloves made of films of polyurethanes. The MDI polyisocyanates claimed by Applicant are not disclosed in *Alsaffar*. The rejection is therefore traversed.

Examiner's Rejection of Claims 13, 14 and 18. The Examiner has further rejected Claims 13, 14 and 18 under the second paragraph of 35 U.S.C. 112. Claims 13, 14 and 18 have now been cancelled from this application. The units for the particle size of the particulates in the dispersion have been referenced in newly filed Claims 32 and 34.

Examiner's Rejection of Claims 24-26. The Examiner has further rejected Claims 24-26 under the second paragraph of 35 U.S.C. 112. This ground for rejection is traversed. The basis of the Examiner's rejection is the alleged failure "to set forth the type of percent (i.e., weight or mole) and the basis of the percent range."

Applicant does not understand the query of the Examiner as to the "basis of the percent range". The claimed limitation recites that the MDI diisocyanate has a P,P'-isomer content from 99 to 90 percent. The percent is based on the total content of the MDI component, i.e., 99 to 90 percent of the MDI diisocyanate components is of the P,P'-isomer.

Further, it is not relevant as to if the percent refers to weight or mole percent since it references the percentile of one isomer. The other isomers in the MDI component are of the same molar weight as the P,P'-isomer. It is irrelevant therefore if the percent is based on mole or weight percent because the molecular weight of the various isomers of the MDI diisocyanate component are equivalent. In other words, the P,P'-isomer content is either (i.) 99 to 90 mole percent of the MDI diisocyanate components; the remaining mole percent being the MDI isomer other than the P,P' isomer; or (ii.) 99 to 90 weight percent of the MDI diisocyanate component, the remaining weight percent being the MDI isomer other than the P,P'-isomer. Since the

molecular weight of the isomers is equivalent, it is irrelevant as to if the percent is referring to mole percent or weight percent. Reconsideration is therefore respectfully requested.

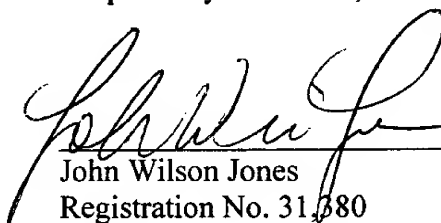
Examiner's Rejection of Claims 21-23. The Examiner has further rejected Claims 21-23 under the first paragraph of 35 U.S.C. 112. Claims 21-23 have been cancelled from this application.

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner to promptly issue a Notice of Allowance. The Examiner is invited to telephone the undersigned should it be deemed prudent to expedite examination of this application.

Respectfully submitted,

Dated: November 21, 2003

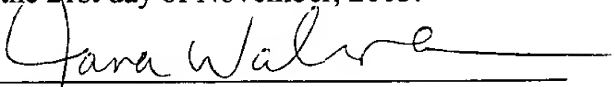


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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this the 21st day of November, 2003.



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